

**HINDRANCE TO ENFORCEMENT VIOLATIONS**  
**INSPECTOR'S STATEMENT**

Company/Mine: Castle Valley Mining/Bear Canyon Mine  
Permit # C/015/0025

NOV # 21177  
Violation # 1 of 1

- A. **HINDRANCE TO ENFORCEMENT:** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually hindered enforcement by DOGM and/or the public and explain the circumstances.

**Explanation:** *The access road to the #2 belt coal spill was constructed prior to obtaining approval from the Division.*

- B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: \_\_\_\_\_

☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

**Explanation:** *The permittee contacted the Division staff (Joe Helfrich) in February requesting technical assistance to determine the appropriate location of an access road to the #2 belt coal spill as described in item # 18 of the attached March 10 th inspection report. The Division received an amendment for the construction of the road on March 21, 2016. On April 19<sup>th</sup> the Division conducted a partial inspection of the site to evaluate the sediment controls for the road and topsoil protection measures for the adjacent topsoil stockpile. There had been no additional construction activity on the road since the permittee had voluntarily ceased construction activities on March 25th. Apparently the surface construction crews that were on site on March 10<sup>th</sup> when the site location was chosen were not aware of the additional permitting required prior to constructing the access road.*

☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: \_\_\_\_\_

- ☐ Was the operator in violation of any conditions or stipulations of the approved MRP? No

Explanation: \_\_\_\_\_

Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken. No

**Explanation:**

**C. GOOD FAITH**

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

Explanation: *The permittee is currently waiting for the Division to complete their review of the access road amendment.*

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: *The permittee has the resources on site to provide the information required to obtain approval for the road and provide adequate topsoil protection.*

3. Was the submission of plans prior to physical activity required by this NOV / CO? YES If yes, explain.

Explanation: *At the outset there was some question as to how much detail would be required to facilitate construction of the road based on whether or not it was going to be a temporary or permanent structure. In any event Castle Valley Mining has submitted plans for a permanent structure to facilitate periodic cleaning of the BTCA area located near the #2 conveyor coal spill. As noted the plans are currently under review by the Division*

\_\_\_\_\_  
Joe Helfrich  
Authorized Representative

  
\_\_\_\_\_  
Signature

4/28/16  
\_\_\_\_\_  
Date